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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/371,588	08/10/1999	ARCHIBALD W. SMITH	99-038-TAP	9428

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EXAMINER

SNIEZEK, ANDREW L

ART UNIT	PAPER NUMBER
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2651

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DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/371,588

Applicant(s)

SMITH, ARCHIBALD W.

Examiner

Andrew L. Sniezek

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-17 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 18-26 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2651

### DETAILED ACTION

1. The following action is taken in view of the amendments filed 1/7/03 and 1/15/03.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Farnsworth et al. ('371)

Farnsworth et al. teaches an optical tracking arrangement that includes at least one source of coherent radiation (laser diode 27), an interference generating device (HOE 36) that forms at least two spots (25) and (figures 2 and 5) at different distances from a track, wherein the direction and magnitude of the offset is determined from these spots is deemed satisfied by the "servo error signal" that is used to properly align a desired track with a head. Concerning the limitations of claim 25, see claim 1. The measuring of intensities as set forth in claim 26 is satisfied by photodetectors (39).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2651

5. Claims 1-3, 21, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farnsworth et al. in view of Roth et al.

The teaching of Farnsworth et al. is discussed above and incorporated herein. Claim 1 although written with different language substantially sets forth what was previously discussed with respect to claims 24-26. Claim 1 additionally sets forth that the tracking system is used for a magnetic tape, which additionally claims a magnetic head and positioner. Farnsworth et al. teaches the magnetic head and positioner as elements (15 and 17) although this system is disclosed only in a magnetic disk environment. Roth et al. teaches that such arrangements are equally known to be used in a variety of medium devices including a magnetic tape medium (column 12, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the arrangement of Farnsworth et al. such that it could be used not only in a disk environment but also a magnetic tape environment since the type of medium used would not change the operation of the optical tracking arrangement. The claimed first and second detectors as set forth in claim 2 are satisfied by binary detector (39) as taught by Farnsworth et al. Claim 3 additionally sets forth mounting the optical servo module structure between the read and write heads. In Farnsworth et al. the module is mounted "fixedly" to the read/write head (column 3, lines 40-45). The placement difference is deemed to be a design choice that one of ordinary skill in the art could have made through routine engineering practice. There does not appear to be any added benefit to this minor placement difference and therefor would have been obvious to vary the location of the module at various locations on the head without

Art Unit: 2651

breaking the bounds of the invention. Claim 21 sets forth similar limitations as discussed with respect to claim 1 and therefore rejected for reasons given. Claim 23 sets forth similar limitations as discussed with respect to claim 3.

6. Claims 4, 5, 18-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farnsworth et al. and Roth et al. as applied to claims 1-3, 21 and 23 above, and further in view of Smith.

The teachings of Farnsworth et al. and Roth et al. are discussed above and incorporated herein. Claim 4 additionally sets forth a plurality of servo modules, which although not taught by Farnsworth et al. or Roth et al. is taught in the similar environment, Smith ('349) figures 2 and 3 to improve the accuracy of placement of the head. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate plural modules as taught by Smith, each having the specifics as taught by Farnsworth et al. in the arrangement of Farnsworth et al. and Roth et al. as combined to increase the accuracy of placement of the head. The limitations of claims 5 and 22 would inherently be satisfied by the arrangement of Farnsworth et al. and Roth et al. as applied. The claimed laser beam as set forth in claim 18 is satisfied by Farnsworth et al. (27). The hologram feature as set forth in claim 19 is satisfied by Farnsworth et al., (HOA 36). The claimed two or more slits as set forth in claim 20 is satisfied by figure 4 as taught by Farnsworth et al.

7. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farnsworth et al., Roth et al. and Smith as applied to claims 4, 5 18-20 and 22 above, and further in view of Leonhardt et al. ('740).

Art Unit: 2651

The teachings of Farnsworth et al., Roth et al. and Smith are discussed above and incorporated herein. Claim 6 is directed to an assembly that houses the servo modules such that they face the back of the tape and claim 7 includes a grating assembly. Although not specifically taught by Farnsworth et al., Roth et al. or Smith having servo modules facing the back side of a tape is taught by Leonhardt et al. (figure 1) to decouple the recording surface from the servo system (abstract). As seen from figure 1 gratings are present. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Leonhardt et al. into that of Farnsworth et al., Roth et al. and Smith as applied in order to decouple the recording surface from the servo arrangement.

#### Allowable Subject Matter

8. Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claims 8-17 are allowed.
10. The following is a statement of reasons for the indication of allowable subject matter: The claimed averaging a first group of spots and a second group of spots as set forth in claim 27 provided in the environment of claim 24 is neither taught by nor an obvious variation of the art of record. Claim 8 along with the respective dependent claims are deemed allowable over the art or record for reasons provided in the office action mailed 5/8/02.

#### ***Response to Arguments***

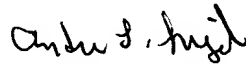
Art Unit: 2651

11. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Sniezek whose telephone number is 703-308-1602. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrew L. Sniezek  
Primary Examiner  
Art Unit 2651

A.L.S.  
11/9/04